

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 7578 of 1999

with

FIRST APPEAL No 7580 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

SPL.LAQ OFFICER

Versus

HEIRS OF DECD.KAGVA AALA BHIKHA,KAGVA KODAR AALA

Appearance:

1. First Appeal No. 7578 of 1999
MR KG SHETH Ld. AGP for Petitioners
 2. First AppealNo 7580 of 1999
MR KG SHETH Ld. AGP for Petitioners
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CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 26/07/2000

ORAL JUDGEMENT

Heard Mr KG Sheth learned AGP for the appellant.
Both these appeals arise from impugned judgment and award dated 4.9.1998 rendered by the learned Assistant Judge, Sabarkantha at Himatnagar in Land reference Case No. 10 & 11 of 1991.

It would appear that by virtue of notification under sec. 4 of the Land Acquisition Act, the lands in question situated in village Nava Nana, tal. Khedbrahma (sim of Khedbrahma) were sought to be acquired. The notification was published on 30.8.89. The Special Land Acquisition Officer awarded Rs. 40/ per Are by way of compensation, however, the claimants prayed for compensation at the rate of Rs. 700/ per Are bearing in mind the award appearing at ex. 19. That award was passed in respect of the land located in the sim of Khedbrahma town. The District Court in Land Reference Case No. 3548/89 awarded compensation at the rate of rs. 700/ per Are in that case. It was submitted before the trial court that Khedbrahma town was quite developed, whereas the village Nava Nana situated in the sim of Khedbrahma town was not so developed. Bearing in mind this difference between the location of the respective lands, the trial court did not award exactly the same amount namely Rs. 700/ per Are in spite of the fact that the sec. 4 notification was earlier in point of time in so far as ex. 19 is concerned. There was no other material on which the trial court could have granted compensation, therefore, taking ex. 19 as a base for awarding the compensation, the trial court thought it just and proper to award compensation at the rate of Rs. 400/ per Are instead of Rs. 700/ per Are. Accordingly, additional compensation at the rate of Rs. 360/ was granted. That worked out at Rs. 3348 and Rs. 13096.80 respectively. Bearing in mind similar circumstances, this court had an occasion to reject the State's appeal in the case of Executive Engineer, Shedhi Irrigation Mahi Canal vs. Special Land Acquisition Officer, 1999(1) GLH p. 590. The difference of amount awarded by the trial court being less than Rs. 15000/ as in the case of Executive Engineer (supra), both these appeals are not required to be entertained and the same are accordingly dismissed.

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